

Proposed state regulation similar to successful Marion County policy on restraint, seclusion | Kentucky Teacher

<http://www.kentuckyteacher.org/features/2012/11/proposed-state-regulation-similar-to-successful-marion-county-policy-on-restraint-seclusion/>

November 27, 2012

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When the Kentucky Board of Education passed a [regulation](#) last month outlining the appropriate uses of physical restraint and seclusion, it marked the state's first formal list of rules on how school staff should use the two behavioral-intervention methods with students.

The regulation requires districts to adopt policies and procedures that encourage positive behavioral supports for students while restricting the use of restraint and seclusion to student actions that would pose a threat to themselves or others.

While the regulation is the first of its kind covering the whole state, other districts have already enacted their own policies. One in particular, the Marion County school district, has become a leader with its restraint and seclusion [policy](#). District administrators [spoke](#) to the board in August about the benefits of the policy and their lessons learned.

[Kevin Brown](#), general counsel of the Kentucky Department of Education, said Marion County's policy agrees with the state regulation in its major concepts.

"What we are adopting is basically best practice, and Marion County has gone ahead and adopted best practice," he said. "We brought them in to show that a district is already doing this, and they're having great results with it."

[Deborah Spalding](#), who retired this year as director of special education in Marion County, said district administrators began discussing how to handle student restraint and seclusion more than 10 years ago.

"We, as a district, would talk about what our procedures were, we knew what the procedures were, but we hadn't actually put them in writing," Spalding said. "We just wanted to put what we were currently doing in writing."

She also began researching policies and procedures, but found only the Council for Exceptional Children's position [paper](#). So Spalding and a team began writing down what they were already doing, she said.

"If I'm going to train a staff, I want in writing what their responsibilities are," Spalding said.

The first approved procedures were in 2010, and they were finalized in August 2011. They were



Special education instructional assistant Alice Young and special education teacher Beverly Thomas play a word game with 3rd-grade students Gavin Bardin and Kenny Hillman at Lebanon Elementary School (Marion County). Thomas said having an understanding support team is very important. Photo by Amy Wallot, Oct. 12, 2012

revised again this July, and Spalding said she thinks they will continue to be revised as teachers and administrators receive more training and see what works and what doesn't.

The Marion County school district safe crisis management documents

De-escalation Policy and Procedures

Checklist

Log for Seclusion or Time Out

One thing that Spalding said definitely works is the policy's emphasis on de-escalation. Every teacher in the district receives ways to try to keep students from becoming violent as embedded professional development.

"The procedures lay out our blueprint of how we are looking for our crisis management and de-escalation across the district. So that's our foundation," she said. "It isn't all about just the crisis piece of it. It's about de-escalating the situation before it ever happens."

Tammy Parman, a 5th-grade teacher at Calvary Elementary School, said teachers receive "mini" trainings from the guidance counselor occasionally during faculty meetings.

"She took this matter seriously and made sure the staff at our school was educated," Parman said.

The policy also emphasizes communication with parents and school and district administrators, Spalding said.

Any teacher who participates in or observes a situation where a student is restrained or secluded must file a report with Spalding's office and the district trainer. Any parent whose child is restrained or secluded will be contacted and given a full description of what happened. Parents also will work with teachers and school administrators on how to keep such incidents from happening again, she said.

Teachers at her school look for warning signs in students and communicate their concerns with parents early when they see possibilities for potential problems, Parman said.

"After an incident it is critical that staff and parents communicate to either get a plan in place, or to modify the current plan, for the child. Regular, ongoing communication is a must," she said.

Definitions in the state seclusion and restraint policy

Physical restraint means a personal restriction that immobilizes or reduces the ability of a student to move the student's torso, arms, legs, or head freely, but does not mean temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of encouraging a student to move voluntarily to a safe location; does not mean behavioral interventions, such as proximity control or verbal soothing, used

as a response to calm and comfort an upset student; does not mean less restrictive physical contact or redirection to promote student safety; and does not mean physical guidance or prompting when teaching a skill or when redirecting the student's attention.

Seclusion means the involuntary confinement of a student alone in a room or area from which the student is prevented from leaving but does not mean classroom timeouts, supervised in-school detentions, or out-of-school suspensions.

Positive behavioral supports means a school-wide systematic approach to embed evidence-based practices and data-driven decision-making to improve school climate and culture in order to achieve improved academic and social outcomes, to increase learning for all students, including those with the most complex and intensive behavior needs; and to encompass a range of systemic and individualized positive strategies to reinforce desired behaviors, to diminish reoccurrence of inappropriate or dangerous behaviors, and to teach appropriate behaviors to students.

Source: [Regulation 704 KAR 7:160 Use of Physical Restraint and Seclusion in Public Schools](#)

Like the state regulation, Marion's policy limits the use of restraint and seclusion to protecting children from harming themselves or others. Each school has a "core team" of teachers who are trained in the proper use of seclusion and restraint techniques, Spalding said. Initially those core teachers received three days of intensive training over the summer. That has been revised to two days over the summer and one day during the school year, she said.

Special education teachers [Holly Cox](#) of Marion County High School and [Beverly Thomas](#) of Lebanon Elementary School are core team members. Both said the district emphasizes using restraint or seclusion only after other techniques have failed.

Having a parent talk to an agitated child on the phone or in person, taking the child to a different room, allowing the child to initiate a "self time out" and asking other students to go to a different room were techniques the two mentioned to de-escalate an incident.

"The least-restrictive method should always be the target method to use," Thomas said. "Physical restraint is only used when a student is at risk of causing injury to self or others."

Brown said the state regulation strives to do the same thing.

“The regulation is designed to reduce and prevent restraint and seclusion when it is not necessary,” he said. “So what the regulation is saying is that if the student’s behavior rises to that level, then you are justified in using a technique that has higher risks associated with it, because the risk of restraint is that you will asphyxiate a child.”

Superintendent [Chuck Hamilton](#) said he understands why some districts fear the state regulation may cause staff to refrain from acting in a time of need. He said Marion County has seen just the opposite, as teachers are clearer on their responsibilities and more informed in their actions.

“We don’t want people looking through a flip chart and trying to figure out, ‘What do I do next?’” he said. “As with any policy or set of procedures, when you’re dealing with unknowns – and in a lot of cases, explosive behaviors by students are unanticipated – you have to rely on professional judgment. Our belief is that for our staff to make professional judgments, they do a much better job of that when they have procedures that have been adopted and training on how to work with something that’s unanticipated.”

The public expects schools to maintain a safe and secure environment, and that may require seclusion and restraint sometimes, Hamilton said.

“We’re just trying to be proactive in training our staff, giving them some guidelines to follow, so that when they do have to make a professional judgment as to how to intervene and when to intervene, that they have something to fall back on other than ‘I thought that was a good idea,’” he said.

Spalding said she and other Marion administrators have children, and they know how they would want their children treated in a crisis. She thinks the policy carries out that idea.

“We’re doing more de-escalating and doing things more proactively than we are reacting,” she said. “We’re now in a comfortable position to say, ‘Yes, it is working for us.’”

Brown said the state regulation must receive legislative approval if it is to go into effect for the 2013-14 school year.

“Districts that are serious about using positive behavioral supports and reducing these incidents will follow Marion County’s lead,” he said.

MORE INFO...

[Regulation 704 KAR 7:160 Use of Physical Restraint and Seclusion in Public Schools](#)

[Marion County Seclusion and Restraint Policy](#)

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